



CNR: KAHC010233882019

NC: 2026:KHC:36434
CRL.P No. 5927 of 2019

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 15TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V HOSMANI

CRIMINAL PETITION NO. 5927 OF 2019

BETWEEN:

MR. KIRAN KUMAR T.D
S/O T.T. DEVENDRA SHETTY,
AGED ABOUT 33 YEARS,
ADVOCATE,
CHOWDESHWARI COLONY,
TARIKERE (TQ)
CHIKMAGALURU DISTRICT - 577 228.

...PETITIONER

(BY SRI. H. MALATESH, ADVOCATE)

AND:

1. STATE BY TARIKERE TOWN
POLICE STATION, TARIKERE,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA,
BENGALURU - 01.
2. THE ASSISTANT REGISTRAR OF
CO-OPERATIVE SOCIETY,
TARIKERE SUB-DIVISION,
TARIKERE - 577 228.

...RESPONDENTS

(BY SMT. SOWMYA R, HCGP FOR R1 AND R2)

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Location: High
Court of
Karnataka





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THIS CRL.P IS FILED U/S.482 OF CR.P.C PRAYING TO QUASH THE FIR IN CRIME NO.178/2019 (TARIKERE TOWN POLICE) PENDING ON THE FILE OF THE PRINCIPAL CIVIL JUDGE (Sr.Dn.) AND CJM COURT, TARIKERE, CHIKMAGALURU REGISTERED FOR THE OFFENCE P/U/S. 3 AND 4 OF THE KARNATAKA PROHIBITION OF CHARGING EXORBITANT INTEREST ACT, 2004 AND U/S.506 OF IPC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE RAVI V HOSMANI

ORAL ORDER

Challenging registration of FIR in Crime no.178/2019 by Tarikeri Town Police for offences punishable under Sections 3 and 4 of Karnataka Prohibition of Charging Exorbitant Interest Act, 2004 ('**Interest Act**') read with Section 506 of Indian Penal Code, 1860 (**IPC**), presently stated to be pending on file of Prl. Civil Judge (Sr.Dn.) and Chief Judicial Magistrate, Tarikeri, this Petition is filed.

2. Sri H. Malatesh, learned counsel for petitioner submitted that on 16.07.2019, Assistant Registrar of Co-operative Societies (**ARCS**), Tarikeri Sub-Division, Tarikeri,



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forwarded complaint addressed to Police Inspector, Tarikeri Town Police Station, Tarikeri, about extortion of exorbitant interest by Jayakumar S/o.Veera Bhovi, Bavikere of Lakkavalli Hobli along with Prakash Bavikere and T.D.Kirankumar, Advocate etc. and sought for taking action. It was also stated therein that on receipt of information, S.P. Chikkamagaluru, had visited spot and directed to take action and that Police Sub-Inspector along with Circle Inspector, had visited house of Kirankumar, Advocate, for enquiry but despite search, they did not find any material to substantiate allegations against accused. Based on said intimation, Tarikeri Town Police had registered FIR in Crime no.178/2019 for offences punishable under Sections 3 and 4 of Interest Act and 506 of IPC. It was submitted that bare perusal of FIR or complaint would not reveal any allegation for invocation of Section 506 of IPC.

3. Insofar as provisions of Interest Act, it was submitted that same could only be in compliance with Section 5 thereof. It was submitted that there was no provision for registration of complaint by police and cognizance could be



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taken only on a petition filed by debtor. On said ground, sought for quashing.

4. Learned High Court Government Pleader opposes submission.

5. Heard learned counsel. Perused material on record.

6. Perusal of FIR would reveal that same is registered on basis of a communication by ARCS. It is shocking to note that there is no mention about any person having been victimized by accused or any such victim having made a complaint and neither complaint nor FIR would disclose any such particulars.

7. Be that as it may, on receipt of complaint, Circle Police Inspector and Police Sub-Inspector are stated to have held enquiry and reported that there was no material to indicate violation of Interest Act by accused. Despite same, registration of FIR by police especially when Section 5 of Interest Act provides for registration of proceedings only on a petition filed by debtor after depositing amount due, impugned



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proceedings registered in manner, as narrated above, would be totally illegal and contrary to law.

8. Besides, this Court in Crl.P.no.6411/2019 disposed of on 19.06.2026 referring to earlier decision in Crl.P.no.102117/2015 disposed of on 18.12.2015 has taken a view that insofar as offences under Interest Act, there was no provision for registration of complaint by Police.

9. Such being case, registration of FIR by police would be totally illegal and continuation of proceedings would amount to abuse of process.

10. Hence, Petition is ***allowed***, proceedings in Crime no.178/2019 by Tarikeri Town Police for offences punishable under Sections 3 and 4 of Interest Act read with Section 506 of IPC, on file of Prl. Civil Judge (Sr.Dn.) and Chief Judicial Magistrate, Tarikeri, Chikkamagaluru, stand quashed *qua* petitioner.

Sd/-
(RAVI V HOSMANI)
JUDGE